

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 1:24-cv-00001

**DECLARATION OF HARRY I. JOHNSON III IN SUPPORT OF
PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR A PRELIMINARY
INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Harry I. Johnson III, declare as follows:

1. I am a partner in Morgan, Lewis & Bockius LLP's Century City, California office and represent Plaintiff Space Exploration Technologies Corp. ("SpaceX") in the administrative proceeding before the National Labor Relations Board ("NLRB") and the related investigation of the unfair labor practice charges.

2. I have also appeared on SpaceX's behalf in this federal court action and been admitted *pro hac vice* to the Southern District of Texas.

3. I make the following declaration based on my personal knowledge and review of Morgan, Lewis & Bockius's records.

4. I am among the attorneys for SpaceX listed as receiving notice on page 12 of the NLRB's administrative complaint, which has previously been submitted as an exhibit in this case.

5. I have been personally involved in the NLRB investigation on SpaceX's behalf since August 2022 and, after the administrative complaint was filed, the preparations on SpaceX's behalf for the upcoming NLRB administrative proceeding.

6. On Thursday, February 1, 2024, SpaceX was served with a subpoena duces tecum from the Charging Parties. The Charging Parties made expansive requests for 45 categories of documents, many of which did not involve or relate to the events charged in or persons identified in the administrative complaint.

7. On Thursday, February 8, 2024, SpaceX filed a petition to revoke the Charging Parties' subpoena duces tecum in the NLRB administrative hearing. SpaceX explained that it objects to production in part because the vast majority of the documents sought are irrelevant to charges in the administrative complaint, the documents would be overly burdensome to produce

(which outweighs any potential relevance), and the production would carry national security implications and pose complications.

8. On Friday, February 9, 2024, SpaceX was served with a subpoena duces tecum from the NLRB General Counsel. The General Counsel made expansive requests for 101 categories of documents, several of which have subparts and/or seek documents related to individuals and events not referenced in the administrative complaint.

9. SpaceX is also preparing to file a petition to revoke the General Counsel's subpoena duces tecum in the administrative hearing by the deadline to do so.


10. I have observed that SpaceX's general preparations for its defense in the NLRB hearing and specific preparations to respond to the NLRB General Counsel and Charging Parties' document subpoena requests is currently making demands of, and will continue to make demands of, SpaceX personnel across many facilities, including Starbase and the other Texas facilities, which will take time away from their normal job responsibilities.

11. On Wednesday, February 7, 2024, the parties to the administrative proceeding received an email informing them that Judge Sharon L. Steckler would serve as the ALJ in the administrative proceeding and that a pretrial teleconference was scheduled for February 12, 2024, at 2 p.m. PST. A true and correct copy of the email assigning Judge Steckler as the ALJ is attached as Exhibit 1.

12. The pretrial teleconference before Judge Steckler occurred on February 12, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 12, 2024, in Hawthorne, California.



Harry I. Johnson III